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27 IN THE UNITED STATES DISTRICT COURT

28 EASTERN DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

CASE NO. 2:24-CR-257-DJC

22 Plaintiff,

23 v.
24 STIPULATION AND JOINT REQUEST FOR
25 Defendant. PROTECTIVE ORDER; [PROPOSED]
26 PROTECTIVE ORDER

27 DALLAS ERIN HUMBER,

28

I. STIPULATION

2 1. Plaintiff United States of America (“government”), by and through its counsel of record,
3 and defendant Dallas Erin Humber (“defendant”), by and through her counsel of record (collectively, the
4 “parties”), for the reasons set forth below, hereby stipulate, agree, and jointly request that the Court enter
5 a Protective Order in this case restricting the use and dissemination of discovery materials in this case,
6 including additional restrictions regarding materials marked “Sensitive,” which contain personal
7 identifying information (“PII”) and other confidential information of victims and undercover employees
8 of law enforcement agencies (“Sensitive Materials” as defined *infra* Paragraph 9.b), and materials
9 marked “Attorneys’-Eyes Only,” which contain PII and other confidential information of confidential
10 informants and/or concern ongoing investigations (“AEO Materials” as defined *infra* Paragraph 9.c).

11 2. As part of its investigation in this case, the government is in possession of materials
12 relating to the charges against the defendant, including reports from law enforcement, phone extraction
13 reports, business and law enforcement records, emails, and other evidence that contains PII and other
14 confidential information for real persons, including, among other things, personal names, addresses,
15 Social Security numbers, and dates of birth. These real persons include victims, witnesses, and/or third
16 parties to this case. The government seeks to provide these materials to counsel for the defendant.

17 3. The government also possesses, or may come to possess, recordings, documents, reports,
18 or other materials the disclosure of which may ordinarily be required by the government's Rule 16,
19 Jencks Act, or Brady obligations, but the dissemination of which could pose a serious risk to certain
20 victims or witnesses, including confidential informants and undercover employees of law enforcement
21 agencies, and/or to ongoing investigations (the "Sensitive Materials" and "AEO Materials").

22 4. The purpose of the proposed Protective Order is to prevent the unauthorized
23 dissemination, distribution, or use of discovery materials in this case, and to impose additional
24 restrictions on discovery materials containing PII, Sensitive Materials, and AEO Materials. If such
25 materials are disclosed without protective measures, or to defendant without limitation, it will risk the
26 privacy and security of the people to whom the information relates. The information could itself be used
27 to further criminal activity if improperly disclosed or used. The United States has ongoing statutory and
28 ethical obligations to protect victims and witnesses.

1 5. Due to the nature of this case, PII, Sensitive Materials, and AEO Materials make up a
2 significant part of the discovery materials, and this information in many instances has evidentiary value
3 itself. While the government has redacted a significant portion of PII, Sensitive Materials, and AEO
4 Materials, redacting all such information would be difficult and would delay the production of discovery
5 materials to the defendant. Further, if the government were to attempt to redact all of this information,
6 the defense would receive a set of discovery that would be confusing and difficult to understand, and
7 could inhibit prompt and just resolution of the case.

8 6. Accordingly, the parties jointly request a Protective Order that will permit the
9 government to produce discovery that is, in part, unredacted, but preserves the privacy and security of
10 victims, witnesses, and third parties. The parties agree that the following conditions, if ordered by the
11 Court in the proposed Protective Order, will serve the government's interest in maintaining the privacy
12 and security of victims, witnesses, and third parties, while permitting the Defense Team to understand
13 the United States' evidence against the defendant.

14 7. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
15 Criminal Procedure, Local Rule 141.1, and its general supervisory authority.

17 II. **PROPOSED PROTECTIVE ORDER**

18 A. **Protected Materials**

19 8. This Order pertains to all discovery provided or made available to defense counsel in this
20 case (hereafter, collectively "Protected Materials").

21 9. For purposes of the Protective Order:

22 a) the term "Personal Identifying Information" ("PII") includes any information
23 within the definition of a "means of identification" under 18 U.S.C. § 1028(d)(7) or any
24 information within the definition of an "access device" under 18 U.S.C. § 1029(e)(1). PII also
25 includes any address, telephone number, birth dates, social security numbers, or email address.

26 b) Information or documents (other than PII) the dissemination of which could pose
27 a serious risk to any undercover employees of law enforcement agencies or to victims targeted
28 by the Terrorgram Collective, will be referred to as "Sensitive Materials." Sensitive Materials

1 will be conspicuously marked as such by the Prosecution Team with the word “**SENSITIVE**”—
2 bolded, in all caps, with red lettering—appearing at the bottom of each page.
3

4 c) Information or documents (other than PII) the dissemination of which could pose
5 a serious risk to any confidential informants and/or to ongoing investigations will be referred to
6 as “AEO Materials.” AEO Materials will be conspicuously marked as such by the Prosecution
7 Team with the word “**ATTORNEYS’ EYES ONLY**”— bolded, in all caps, with red lettering—
8 appearing at the bottom of each page.

9 10. If a member of the Defense Team makes notes that memorialize, in whole or in part, the
10 PII in any Protected Materials, or information from any document labeled “Sensitive Materials” or
11 “AEO Materials,” or if copies are made for authorized use by members of the Defense Team, such
12 notes, copies, or reproductions become Protected Materials, subject to the Protective Order, and must be
13 handled in accordance with the terms of the Protective Order.

14 **B. Defense Team**

15 11. For purposes of this Order, the term “Defense Counsel” refers to the defendant’s counsel
16 of record.

17 12. For purposes of this Order, the term “Defense Team” refers to (1) defendant’s counsel of
18 record, (2) other attorneys at Defense Counsel’s law firm or defense organization who may be consulted
19 regarding case strategy in the above-captioned matter, and other attorneys with their law firm or defense
20 organization assisting with the case, (3) staff assisting with the case, including paralegals, analysts,
21 investigators, legal assistants, litigation support staff, interns, and law clerks, and (4) experts retained by
22 the defense in connection with this case. The term “Defense Team” does not include the defendant, the
23 defendant’s family, or other associates of the defendant, nor does it include the co-defendant, the co-
24 defendant’s counsel of record, or the co-defendant’s defense team.

25 13. Defense Counsel may provide Protected Materials to other members of the Defense
26 Team, provided that, prior to doing so, defense counsel shall give the person receiving the discovery
27 materials a copy of the Protective Order, and shall inform that person that the person is subject to the
28 terms of the Protective Order.

1 **C. Prosecution Team**

2 14. For purposes of this Order, the Prosecution Team refers to: (1) counsel of record for the
3 United States and other Department of Justice attorneys assisting with the case, (2) federal agents
4 working on the case, (3) staff assisting with the case, including paralegals, analysts, investigators, legal
5 assistants, litigation support staff, interns, and law clerks, and (4) experts retained by the United States in
6 connection with the case.

7 **D. Disclosure of Protected Materials**

8 15. No person or party shall use any Materials or information derived from Protected
9 Materials produced in this action for any purpose other than use in the above-captioned case. All
10 Protected Materials shall be used solely for the purpose of conducting and preparing for pre-trial, trial,
11 post-trial, and appellate proceedings (both direct and collateral) in this criminal action and for no other
12 purposes whatsoever, and shall not be used for the economic or other benefit of the defendant, or any
13 third party. Protected Materials may be disclosed only to the categories of persons and under the
14 conditions described in this Order. Extrajudicial disclosure of Protected Materials to unauthorized third
15 parties, including but not limited to the media, is prohibited.

16 16. Defendant may review Sensitive Materials in this case only in the presence of a member
17 of the Defense Team, and Defense Counsel shall ensure that defendant is never left alone with any
18 Sensitive Materials. Defendant may not copy, keep, maintain, or otherwise possess any of such
19 Sensitive Materials at any time. Defendant must return any Sensitive Materials to the Defense Team at
20 the conclusion of any meeting at which defendant reviews the Sensitive Materials. Defendant may not
21 take any Sensitive Materials out of the room in which she is meeting with the Defense Team. Defendant
22 may not write down or memorialize any PII contained in the Sensitive Materials. At the conclusion of
23 any meeting with defendant, the members of the Defense Team present shall take with them all
24 Sensitive Materials.

25 17. The Defense Team shall receive any AEO Materials on an attorneys' eyes-only basis.
26 The Defense Team may not disclose any Protected Materials labeled "AEO Materials" to the defendant
27 or any other person outside of the Defense Team, nor shall the Defense Team provide information to the
28 defendant or any other person outside of the Defense Team about the contents of those materials.

1 18. If, during the pendency of the case, defendant requests a copy of the Protected Materials
2 from Defense Counsel, Defense Counsel may provide a copy of the Protected Materials to the defendant
3 provided that Defense Counsel ensures (1) defendant is not provided a copy of any document labeled
4 “Sensitive Materials” or “AEO Materials,” pursuant to the restrictions in Paragraphs 16 and 17,
5 respectively; and (2) that all PII contained in the Protected Materials is fully redacted and the copy bears
6 the inscription as described in Paragraph 24. If Defense Counsel provides a copy to defendant subject to
7 these conditions, Defense Counsel or a member of the Defense Team must contemporaneously
8 memorialize in writing that it has not provided defendant with any document labeled Sensitive Materials
9 or AEO Materials, has fully redacted PII from the Protected Materials, and has otherwise complied with
10 this Order. This written certification need not be disclosed or produced to the United States unless
11 ordered by the Court. If at any time Defense Counsel provides Protected Materials to the defendant,
12 Defense Counsel must also provide a copy of this Order and advise the defendant that the defendant is
13 bound by the terms of this Order.

14 19. The Defense Team may review Protected Materials with a non-defendant witness or a
15 non-defendant potential witness in this case, except for AEO materials, which, pursuant to paragraph 17,
16 the Defense Team may not share. Before being shown any portion of the Protected Materials, however,
17 any witness or potential witness must be informed of the existence of the Protective Order and given a
18 copy of the Protective Order. No witness or potential witness may retain Protected Materials, or any
19 copy thereof.

20 20. Defense Counsel shall advise the Prosecution Team with reasonable notice of any
21 subpoenas, document requests, or claims for access to the Protected Materials by third parties if Defense
22 Counsel is considering disseminating any of the Protected Materials to a third party, in order that the
23 Prosecution Team may take action to resist or comply with such demands as it may deem appropriate.

24 E. **Ensuring Security of Protected Materials**

25 21. The Defense Team shall maintain the Protected Materials safely and securely, and shall
26 exercise reasonable care in ensuring the security and confidentiality of the Protected Materials by storing
27 the Protected Materials in a secure place, such as a locked office or otherwise secure facility where

1 visitors are not left unescorted, to prevent unauthorized third-parties from accessing the Protected
2 Materials.

3 22. A copy of the Protective Order must be stored with the discovery, in paper form and
4 electronically.

5 23. To the extent that Protected Materials, or any copies or reproductions thereof, are stored
6 electronically, the Protected Materials will be stored on a password-protected or encrypted storage
7 medium, including a password-protected computer or device. Encryption keys must be stored securely
8 and not written on the storage media that they unlock.

9 24. If a member of the Defense Team makes, or causes to be made, any further copies of any
10 of the Protected Materials, Defense Counsel will ensure that the following notation is written, stamped
11 or inscribed on whatever folder, container, or media contains the copies: "PROTECTED MATERIALS-
12 SUBJECT TO PROTECTIVE ORDER." For example, if Defense Counsel makes a copy of a disc or
13 physical file containing Protected Materials, the duplicate disc or file must be encrypted and marked
14 with the above notation.

15 **F. Filings**

16 25. Before filing any pleading in the above-captioned case that contains PII, either in the
17 body of the pleading or in an attached exhibit, the filing party shall either redact the PII before filing the
18 pleading, or, if the PII is relevant to the issue addressed in the pleading, the filing must be made under
19 seal as provided for by the local rules. Any pleading that contains, either in the body of the pleading or
20 in an attached exhibit, information from documents/files labeled "Sensitive Materials" or "AEO
21 Materials", shall be filed under seal as provided for by local rules. If the Court rejects the request to file
22 such information under seal, the party seeking to file such information shall provide advance written
23 notice to the other party to afford such party an opportunity to object or otherwise respond to such
24 intention. If the other party does not object to the proposed filing, the party seeking to file such
25 information shall redact the PII and information from Sensitive Materials and AEO Materials and make
26 all reasonable attempts to limit the divulging of PII or information from Sensitive Materials and AEO
27 Materials.

1 **G. Conclusion of Prosecution**

2 26. The provisions of this Order shall not terminate at the conclusion of this prosecution. All
3 Protected Materials subject to the Protective Order maintained in the Defense Team's files shall remain
4 subject to the Protective Order unless and until such Order is modified by the Court.

5 27. Upon final disposition of the case, including exhaustion of direct and collateral appellate
6 proceedings, Defense Counsel shall return the Protected Materials to the government, or certify in
7 writing that the Protected Materials have been destroyed. If any Protected Materials are used as defense
8 exhibits, they shall be maintained with government exhibits so long as those are required to be
9 maintained.

10 28. If, upon final disposition of the case, defendant requests a copy of the Protected Materials
11 from Defense Counsel, Defense Counsel may provide a copy of the Protected Materials to the defendant
12 provided that Defense Counsel ensures that (1) defendant is not provided a copy of the documents/files
13 labeled "Sensitive Materials" or "AEO Materials"; and (2) all PII contained in the Protected Materials is
14 fully redacted and the copy bears the inscription as described in Paragraph 24. If Defense Counsel
15 provides a redacted copy to defendant subject to the above conditions, Defense Counsel or a member of
16 the Defense Team must contemporaneously attest in writing that it has removed the Sensitive Materials
17 and AEO Materials, fully redacted PII from the Protected Materials, and otherwise complied with this
18 Order. This written certification need not be disclosed or produced to the Prosecution Team unless
19 ordered by the Court.

20 **H. Termination or Substitution of Counsel**

21 29. In the event that there is a substitution of counsel prior to final disposition of the case,
22 new counsel of record must join this Protective Order before any Protected Materials may be transferred
23 from the undersigned defense counsel to the new defense counsel. New defense counsel then will
24 become Defense Counsel for purposes of this Protective Order, and become Defense Team's custodian
25 of materials, and shall then become responsible for complying with all provisions of this Protective
26 Order. All members of the Defense Team, whether current or past counsel, are at all times subject to the
27 Protective Order and are not relieved by termination of representation or conclusion of the prosecution.

1 **I. Modification of Order**

2 30. Nothing in this Order shall prevent any party from seeking modification to the Order or
3 from objecting to discovery it otherwise believes to be improper. Nothing in this Order shall prevent any
4 party from seeking a more restrictive protective order with regard to particular discovery items.

5 **J. Violation of Order**

6 31. Any person who willfully violates this Order may be held in contempt of court and may
7 be subject to monetary or other sanctions as deemed appropriate by the Court. This provision does not
8 expand or narrow the Court's contempt powers.

9 **K. Application of Laws**

10 32. Nothing in this Order shall be construed to affect or comment on the admissibility or
11 discoverability of the Protected Materials.

12 33. Nothing in this Order shall be construed to affect the application of and the parties'
13 compliance with the Federal Rules of Criminal Procedure, Local Rules, and applicable statutes.

15 Dated: September 20, 2024

16 /s/ Angela L. Scott
17 ANGELA L. SCOTT
18 Assistant U.S. Attorney

16 /s/ Christopher J. Perras
17 CHRISTOPHER J. PERRAS
18 Special Litigation Counsel

16 /s/ Jacob Warren
17 JACOB WARREN
18 Trial Attorney

18 Dated: September 20, 2024

19 /s/ Noa Oren
20 NOA OREN
21 Counsel for Defendant
22 DALLAS HUMBER

19 /s/ Andrew Francisco
20 ANDREW FRANCISCO
21 Counsel for Defendant
22 DALLAS HUMBER

24 **FINDINGS AND ORDER**

25 The Court having read and considered the Stipulation and Joint Request for a Protective Order,

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1 which this Court incorporates by reference in full, hereby finds that GOOD CAUSE exists to enter the
2 above Order.

3 IT IS SO FOUND AND ORDERED.
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5 Dated:

6 HON. CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE
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